

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

V.P.K., a minor, by his mother and natural guardian Rachel Koenig, and Rachel Koenig, individually,

COMPLAINT

Plaintiffs,

v.

Marquette Transportation Company, LLC., and Christopher James Parker,

Defendants.

Plaintiff Rachel Koenig, as mother and natural guardian of V.P.K., minor, for their claims for relief, state and allege that:

1. Rachel Koenig is the mother of V.P.K., who was born on January 25, 2017 and is presently 5 years of age. V.P.K. lives with Rachel Koenig, and Rachel Koenig is responsible for his medical care and attention and is entitled to his services during his minority.

JURISDICTION AND VENUE

2. Jurisdiction in this action by the plaintiff against the defendants is based upon this Court's exclusive and original jurisdiction under 28 U.S.C. § 1333(1), federal question jurisdiction, 28 U.S.C. § 1331, and 46 U.S. Code §§ 30101 and 30103, providing jurisdiction and allowing that a person may bring a civil action against a master, mate, engineer, or pilot of a vessel, and recover damages, for personal injury or loss caused by the master's, mate's, engineer's, or pilot's negligence or willful misconduct. Venue is proper in this district because the tortious conduct and resulting injuries occurred within – or substantially in - the state of Minnesota on the navigable waters of the Mississippi River. See 28 U.S.C. § 1391(b)(2).

STATEMENT OF FACTS

3. On June 3, 2022, at approximately 5:00 p.m., minor plaintiff V.P.K. along with his father, Jeremy Koenig, and his three siblings arrived at a boat house in Red Wing, Minnesota.

4. Upon leaving the boat house in a vessel, the family traveled on the Mississippi River.

5. Approximately 40 minutes later, at around 5:40 p.m., the vessel in which minor plaintiff V.P.K. was a passenger, stopped on the river to adjust the trim.

6. Shortly thereafter, at approximately 5:45 p.m., a barge named the Bruce L. Hahn, owned by defendant Marquette Transportation Company, LLC., and operated by defendant Christopher James Parker, traveled on the Mississippi River approaching in the same direction as the vessel in which minor plaintiff V.P.K. was a passenger.

7. Jeremy Koenig attempted to start the vessel, but was unsuccessful.

8. At that time and place, as a result of the carelessness and negligence of Christopher James Parker, the Bruce L. Hahn collided with and capsized the vessel in which minor plaintiff V.P.K. was a passenger.

9. Defendant Christopher James Parker's negligent failure to keep proper lookout, his negligent failure to control the barge, and his negligent failure to yield to the vessel in which minor plaintiff V.P.K. was a passenger, were the direct causes of the above-described collision.

10. The above-described acts of negligence were the direct and proximate cause of minor plaintiff V.P.K. being trapped under the vessel and under the water for several minutes and minor plaintiff's injuries set below.

11. The causal negligence described in the above paragraph constitutes a violation of 46 U.S.C. § 13103(1).

MINOR PLAINTIFF V.P.K.'S DAMAGES CLAIM

12. Minor plaintiff V.P.K. was ambulanced from the scene and was immediately hospitalized.

13. As a result of being submerged under water for a prolonged period of time, minor plaintiff V.P.K. has sustained substantial and permanent brain damage.

14. The amount of time that minor plaintiff V.P.K.'s brain was without oxygen was so substantial that minor plaintiff V.P.K. remained hospitalized for more than 40 days.

15. Minor plaintiff V.P.K. has incurred past medical expenses as a result of the above-described negligence.

16. Minor plaintiff V.P.K. will continue to incur future medical expenses because of the substantiality and permanency of the injuries that were directly caused by the above described negligence.

17. Minor plaintiff V.P.K. has in the past and will in the future incur medical and hospital expenses for the treatment of his injuries. Minor plaintiff V.P.K. has in the past and will in the future incur a loss of earnings and of earning capacity. Minor plaintiff V.P.K. has in the past and will in the future suffer great physical and mental pain. Therefore, minor plaintiff V.P.K. has been damaged and injured in an amount greater than \$75,001, exclusive of costs and interest.

18. As a result of the injuries sustained by minor plaintiff V.P.K., his mother plaintiff Rachel Koenig, has in the past and will in the future, during the minority of V.P.K., incur medical and hospital expenses for the treatment of his injuries. Plaintiff Rachel Koenig has in the past and will in the future, during the minority of V.P.K., be deprived of his services and companionship. Therefore, plaintiff Rachel Koenig has

been damaged and injured in an amount greater than \$75,001, exclusive of costs and interest.

WHEREFORE, plaintiffs pray judgment against defendants, and each of them, in an amount greater than \$75,001 on behalf of minor plaintiff V.P.K. and in an amount greater than \$75,001 on behalf of plaintiff Rachel Koenig, together exclusive of costs and interest.

Dated: 10/15/22

SCHWEBEL GOETZ & SIEBEN, P.A.

By


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